



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

YESENIA CORTEZ RAMIREZ,  
Petitioner,

vs.

WARDEN ANGELA RAWSKI,  
Respondent.

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CIVIL ACTION NO. 0:15-04631-MGL

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ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
GRANTING RESPONDENT'S MOTION FOR SUMMARY JUDGMENT,  
AND DENYING THE PETITION

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This case was filed as a 28 U.S.C. § 2254 action. Petitioner is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Respondent's motion for summary judgment be granted and the Petition be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 20, 2016, and the Clerk of Court entered Petitioner's objections to the Report on August 8, 2016. The Court has reviewed the objections, but finds them to be without merit. Therefore, it will enter judgment accordingly.

In light of the standards set forth above, the Court has reviewed, de novo, the Report and Petitioner's objections. The Court finds that Petitioner's objections consist largely of restatements of arguments already advanced in prior filings, coupled with inapposite legal citations. Nowhere in Petitioner's objections does she meaningfully counter any of the core legal determinations of the Magistrate Judge, such as her careful merits-based review of Petitioner's non-defaulted claims of ineffective assistance of counsel, including the Magistrate Judge's ultimate determination that Petitioner has failed to demonstrate that the state PCR court based its earlier review of these claims on unreasonable applications of the two-prong standard of *Strickland v. Washington*, 466 U.S. 668 (1984). Nor does Petitioner provide a meritorious objection to the Magistrate Judge's well-reasoned discussion of Petitioner's actual innocence claim under *Buckner v. Polk*, 453 F.3d 195, 199 (4th Cir. 2006).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Petitioner's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Respondent's motion for summary judgment is **GRANTED** and the Petition is **DENIED**.

To the extent that Petitioner requests a certificate of appealability from this Court, that certificate is **DENIED**.

**IT IS SO ORDERED.**

Signed this 8th day of August, 2016, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.